

Animal Rights Bill Defeated in California

New Maryland law also reflects researchers' influence; meanwhile HHS upholds NIH halting Taub's grant because of animal misuse

The biomedical research community has scored some recent successes in efforts to show that its use of animals for research is proper and, therefore, that new, potentially cumbersome legislative controls are unnecessary. In California, lobbyists representing the research community helped defeat a bill in the state senate prohibiting the use in research of animals from pounds. And university officials in Maryland successfully argued for removal of highly restrictive provisions amending the state's anticruelty statutes before the amendments were signed into law.

The present system for enforcing animal care standards also was bolstered when the Department of Health and Human Services (HHS) recently denied an appeal by Maryland researcher Edward Taub, who was seeking to have his National Institutes of Health (NIH) grant reinstated. NIH revoked his grant in August 1982, concluding that its guidelines for the care and use of animals in research had been violated in the course of his studies of the nervous system of monkeys. Taub's appeal was viewed widely as a serious test of the system, and its outcome had been attributed considerable importance by animal rights activists and NIH officials.

As a national precedent, the defeat in California of a bill, introduced last year by State Senator David Roberti, marks an important victory for the biomedical research community in a state that often sets trends for the rest of the country. Roberti, a powerful Democrat, put considerable effort into supporting his bill calling for a blanket prohibition of the use in research of animals obtained from pounds (*Science*, 3 February, p. 468). Despite some deft maneuvering to preserve the bill, it was soundly defeated by a bipartisan vote during the current legislative session. [A similar measure has been signed into law in Massachusetts (*Science*, 13 January, p. 151).]

Sources in California say that the bill's demise was due in large part to a highly structured lobbying campaign mounted by universities, health groups, and foundations in the state. "We wanted to convince the legislators that it [Roberti's bill] was bad," says a University of California official. "We did a lot of lobbying one on one, letter writing, placed

editorials, went on talk shows, and got a massive campaign together." California being what it is, the lobbyists used another effective tactic by calling on movie and television stars to fight the bill, thereby matching one of Roberti's most effective tactics—he had enlisted celebrities to support the bill—and beating him on his home turf of Hollywood. University officials also compiled data to show legislators what the potential cost increases would have been if Roberti's bill were enacted. Those estimates show that Roberti's bill could increase by tenfold the annual operating costs for using dogs and cats in research from its current level of about \$856,000 per year in California, and also would require an initial investment of more than \$12 million to establish an animal-breeding colony.

In Maryland, the recent amendments to the state's animal anticruelty statutes were introduced into the state legislature because of a reaction to the Taub incident, according to State Senator Margaret Schweinhaut, who drafted the bill. Although Taub was convicted in 1981 under Maryland statutes for neglect of his animals, that judgment was later reversed by the state appeals court (*Science*, 26 August 1983, p. 839). "The [state] court of appeals said the Maryland statutes were silent on . . . using animals in research when there was federal funding," she says. Hence, language was added "to cover the Taub situation." The new provisions explicitly apply to all lab animals housed in the state, including those in privately or federally funded research facilities.

Officials at Johns Hopkins University and the University of Maryland raised objections to an early draft of her bill, particularly to provisions for removing animals from facilities where violations are alleged to occur. The bill was rewritten "to meet their requirements" and now specifies steps to be taken once a formal complaint is made and before any animals can be confiscated, she says. "Had they [the universities] both opposed it, we would have no bill."

Taub, who won a technical victory in the Maryland courts, also has pursued his case at the federal level by seeking reinstatement of his NIH grant, which was terminated in 1982. NIH officials say they are satisfied with the HHS decision

rejecting Taub's appeal because it upholds their procedures for enforcing current federal animal care guidelines, which lately have been challenged increasingly boldly by animal rights activists (*Science*, 22 June, p. 1319).

The narrowly based HHS decision sidesteps the question of whether Taub's research is worth continuing and rejects some of NIH's contentions about it. For example, the appeals board says NIH's evidence was not "persuasive" that the animals received "inadequate veterinary care" while under Taub's supervision, and concludes their condition was "largely unavoidable given the nature of the experiments." The decision thus "does not deal with the merit or quality of the research performed, nor with the personal integrity of [Taub]." Instead, it rests on fairly technical grounds, saying that Taub's grant will not be reinstated because the Institute for Behavioral Research, where he worked, failed to improve its animal facilities, failed to renegotiate an animal assurance document, did not provide proper veterinary supervision and regular visits, and thus did not comply with NIH and Department of Agriculture guidelines for treating animals. Although the decision denies Taub's appeal, he says he feels "exonerated personally."

The ruling implies that NIH need not demonstrate that animals actually are harmed before asserting that an institution has not met applicable standards. "That's very important for buttressing our long-standing policy for animal care," says NIH deputy director William Raub.

The HHS decision exhausts Taub's chances for an appeal short of asking the courts to intervene—something he says he has not "explored." He is still angry about the animal rights movement not only for what they have done to disrupt his research but for the inroads they are making on animal research in general. "What distresses me is that the lobbying effort is . . . too small to combat what we're up against," he says. "The scientific community is too apathetic." However, at least in California, that apathy seems to have converted into an energetic movement to support the continued use of animals in biomedical research.

—JEFFREY L. FOX